

BILL NO. R-80-03-13

as Amended

RESOLUTION NO. R- 21-80

A RESOLUTION SUBMITTING TO THE VOTERS OF THE CITY OF FORT WAYNE, INDIANA, THE QUESTION WHETHER SUCH MUNICIPALITY SHALL PURCHASE, ACQUIRE, AND OPERATE THE PRESENTLY OPERATING ELECTRIC UTILITY IN ORDER IN ITS PLACE TO ESTABLISH, HOLD AND OPERATE A MUNICIPALLY OWNED ELECTRIC UTILITY AND PROVIDING THAT A PORTION OF THE FUNDS NEEDED FOR SUCH PURPOSES, NOT IN ANY EVENT AN AMOUNT IN EXCESS OF ONE THIRD OF THE TOTAL COST OF SUCH UTILITY, MAY BE RAISED BY THE ISSUANCE AND SALE OF BONDS PLEDGING THE GENERAL CREDIT OF SUCH MUNICIPALITY.

Whereas, five percent (5%) of more of the voters of the City of Fort Wayne, Indiana, as shown by the total vote cast for all candidates for municipal clerk at the preceding municipal election therefor prior to the date of said petition have requested in writing the Common Council of said City to acquire and/or purchase the presently operating electric utility system operating within such municipality;

WHEREAS, I.C. 8-1-2-99 makes it the duty of such Common Council to order an election thereon; and,

WHEREAS, I.C. 8-1-2-97 (c) requires that if the Common Council shall be of the opinion that it is impracticable to raise the entire funds necessary to purchase or otherwise acquire such electric utility solely by the issuance and sale of the revenue bonds, such Common Council shall by resolution or ordinance, provide that a portion of the funds needed for such purposes, not in any event an amount to exceed one third (1/3) of the total cost of such utility may be raised by the issuance and sale by such municipality of bonds pledging the general credit of such municipality; and,

WHEREAS, the Common Council is of the opinion that it would probably be impractical to raise the entire funds necessary to purchase or otherwise acquire such electrical utility solely by the issuance and sale of utility revenue bonds.

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6 NOW THEREFORE BE IT RESOLVED by the Common Council of the
7 City of Fort Wayne, Indiana:

8 SECTION 1. That the following questions shall be sub-
9 mitted to the voters of the City of Fort Wayne, Indiana, at
10 a special election to be held on May 6, 1980:

- 11 (1) "Shall the City of Fort Wayne, Indiana
12 acquire and/or purchase the presently
13 operating electric utility system
14 in order in its place to establish, hold
and operate a municipally owned electric
utility?"

15 Yes _____ No _____ "

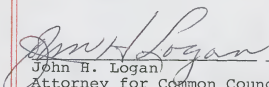
- 16 (2) "May the City of Fort Wayne issue and sell
17 its general obligation bonds (with both
18 principal and interest payable out of taxes
19 to be thereafter levied by such City) to
pay up to one-third (1/3) of the total cost
of acquisition of such electric utility?"

20 Yes _____ No _____ "

21 SECTION 2. That the City Clerk of the City of Fort Wayne,
22 Indiana, is hereby ordered and directed to deliver a duly
23 certified copy of this Resolution to the appropriate election
24 authorities for the purpose of placement of said questions on
25 the ballot at the election to be held in the City of Fort
26 Wayne, Indiana, on May 6, 1980

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30 _____
Councilman

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34 Approved as to form and legality
35 March 10, 1980


John H. Logan
Attorney for Common Council

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3 NOW THEREFORE BE IT RESOLVED by the Common Council of the
4 City of Fort Wayne, Indiana:

5 SECTION 1. That the following questions shall be sub-
6 mitted to the voters of the City of Fort Wayne, Indiana, at
7 a general election to be held on May 6, 1980:

- 8 (1) "Shall the City of Fort Wayne, Indiana
9 acquire and/or purchase the presently
10 operating electric utility system within
11 such municipality?

12 Yes _____ No _____ "

- 13 (2) "May the City of Fort Wayne issue and sell
14 its general obligation bonds [with both
15 principal and interest payable out of taxes
16 to be thereafter levied by such City]
17 to pay up to one-third (1/3) of the total
18 cost of acquisition of such electric utility"

19 Yes _____ No _____ "

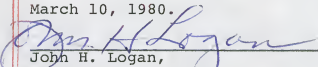
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21 Indiana, is hereby ordered and directed to deliver a duly certi-
22 fied copy of this Resolution to the appropriate election authori-
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24 ballot at the election to be held in the City of Fort Wayne,
25 Indiana, on May 6, 1980.

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Councilman

Approved as to form and legality

March 10, 1980.



John H. Logan,
Attorney for Common Council.

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time
by title and referred to the Committee _____ (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, 19____, the _____ day of
_____, at _____ o'clock _____ M., E.S.T.

DATE: _____

CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Stier,
seconded by Salerno, and duly adopted, placed on its
passage. PASSED (~~Lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>5</u>	<u>4</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>X</u>	_____	_____	_____
<u>EISBART</u>	<u>X</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	<u>X</u>	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 3-11-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) No. R-21-80
on the 11th day of March, 19 80.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Vivian H. Schmitt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 12th day of March, 19 80, at the hour of
7:00 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 12th day of March
19 80, at the hour of 7:00 o'clock A. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. R-80-03-13

as amended

FILED C. C. SE
PATRICK

RESOLUTION NO. R- 21-80

1990 MAR 12 AM 10:02

A RESOLUTION SUBMITTING TO THE VOTERS OF THE CITY OF FORT WAYNE, INDIANA, THE QUESTION WHETHER SUCH MUNICIPALITY SHALL PURCHASE, ACQUIRE, AND OPERATE THE PRESENTLY OPERATING ELECTRIC UTILITY IN ORDER IN ITS PLACE TO ESTABLISH, HOLD AND OPERATE A MUNICIPALLY OWNED ELECTRIC UTILITY AND PROVIDING THAT A PORTION OF THE FUNDS NEEDED FOR SUCH PURPOSES, NOT IN ANY EVENT AN AMOUNT IN EXCESS OF ONE THIRD OF THE TOTAL COST OF SUCH UTILITY, MAY BE RAISED BY THE ISSUANCE AND SALE OF BONDS PLEDGING THE GENERAL CREDIT OF SUCH MUNICIPALITY.

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WHEREAS, I.C. 8-1-2-99 makes it the duty of such Common Council to order an election thereon; and,

WHEREAS, I.C. 8-1-2-97 (c) requires that if the Common Council shall be of the opinion that it is impracticable to raise the entire funds necessary to purchase or otherwise acquire such electric utility solely by the issuance and sale of the revenue bonds, such Common Council shall by resolution or ordinance, provide that a portion of the funds needed for such purposes, not in any event an amount to exceed one third (1/3) of the total cost of such utility may be raised by the issuance and sale by such municipality of bonds pledging the general credit of such municipality; and,

WHEREAS, the Common Council is of the opinion that it would probably be impractical to raise the entire funds necessary to purchase or otherwise acquire such electrical utility solely by the issuance and sale of utility revenue bonds.

Election Board receipt

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14 in order in its place to establish, hold
and operate a municipally owned electric
utility?"

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- 16 (2) "May the City of Fort Wayne issue and sell
17 its general obligation bonds (with both
18 principal and interest payable out of taxes
19 to be thereafter levied by such City) to
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22 Indiana, is hereby ordered and directed to deliver a duly
23 certified copy of this Resolution to the appropriate election
24 authorities for the purpose of placement of said questions on
25 the ballot at the election to be held in the City of Fort
26 Wayne, Indiana, on May 6, 1980

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29
30 _____
Councilman

31
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33
34 Approved as to form and legality

35 March 10, 1980

John H. Logan

John H. Logan
Attorney for Common Council

*3/12/80 Received Patricia Connel
Clerk Allen Circuit Court
Secretary Election Board*

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time
by title and referred to the Committee _____ (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, 19____, the _____ day of _____
_____, at _____ o'clock _____ M., E.S.T.

DATE: _____

CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>4</u>	<u>5</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>X</u>	_____	_____	_____
<u>EISBART</u> —	<u>X</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	<u>X</u>	_____	_____	_____
<u>STIER</u>	_____	<u>X</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>X</u>	_____	_____	_____

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) No. _____
on the _____ day of _____, 19____.

ATTEST: (SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____, at the hour of
_____ o'clock _____ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of
19____, at the hour of _____ o'clock _____ M., E.S.T.

WINFIELD C. MOSES, JR.
MAYOR

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time
by title and referred to the Committee _____ (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19_____, at _____ o'clock _____ M., E.S.T.

DATE: _____

CHARLES W. WESTERMAN
CITY CLERK

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	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>3</u>	<u>6</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>EISBART</u>	_____	<u>X</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>X</u>	_____	_____	_____
<u>NUCKOLS</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHOMBURG</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	_____	<u>X</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>X</u>	_____	_____	_____

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

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(APPROPRIATION) ORDINANCE (RESOLUTION) No. _____
on the _____ day of _____, 19_____.
ATTEST: (SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19_____, at the hour of
_____ o'clock _____ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of
19_____, at the hour of _____ o'clock _____ M., E.S.T.

WINFIELD C. MOSES, JR.
MAYOR

Clerk's Office, Allen County

VS.

Fort Wayne, Ind., *March 19*, 19*80*

RECEIVED OF *Charles M. Muttman*

DOLLARS,

Bill
Resolution No. R-80-03-Basement
Resolution No. R-21-80 on the above entitled cause.
Cause No. Judgment Docket Page Fee Book Page

Patricia Conrad Clerk

CERTIFICATE

The undersigned Charles W. Westerman hereby certifies that he is the duly elected, qualified, and acting City Clerk of the City of Fort Wayne, Indiana:

That the attached copy of a resolution passed by the Common Council of the City of Fort Wayne, Indiana, on March 11, 1980, is a true and exact copy of said resolution in his custody.

In witness whereof I have here unto placed my hand and seal this 12th day of March 1980.

(SEAL)


Charles W. Westerman
Clerk of the City of Fort Wayne


CERTIFICATE

The undersigned Charles W. Westerman hereby certifies that he is the duly elected, qualified, and acting City Clerk of the City of Fort Wayne, Indiana:

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Clerk of the City of Fort Wayne

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That the attached copy of a resolution passed by the Common Council of the City of Fort Wayne, Indiana, on March 11, 1980, is a true and exact copy of said resolution in his custody.

In witness whereof I have here unto placed my hand and seal this 12th day of March 1980.

(SEAL)

Charles W. Westerman
Charles W. Westerman
Clerk of the City of Fort Wayne

Notar note by
D. Schmidt recorded

~~de~~ delete written and
municipality & the
language in the
petition -

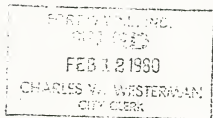
Yes	No
8	1.

ALLEN COUNTY ELECTION BOARD

PHONE 423-7329
ROOM 200A, COURTHOUSE
FORT WAYNE, INDIANA
46802

February 12, 1980

Mr. Charles Westerman
City-Clerk
Room 124 City-County Building
Fort Wayne, Indiana 46802



Dear Charlie:

This letter is to advise you and the Council Members that a Certification to place the AMP Referendum on the Primary Ballot must be received by the Election Board on or before 4:30 PM on March 14, 1980 in order to be placed on the Primary Ballot.

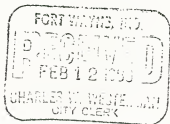
We are advising you of this deadline so that necessary steps can be initiated if necessary.

Sincerely,

Patricia Conrad

Patricia Conrad, Secretary
Allen County Election Board

PC/lg



MADE A MATTER OF RECORD
DATE _____ CHARLES W. WESTERMAN, CITY CLERK

AUTHORIZATION TO COUNSEL TO REPRESENT THE
UNDERSIGNED IN AN ACTION FOR AN INJUNCTION
AND/OR DECLARATORY RELIEF IN CONNECTION
WITH AMP PROPOSAL TO ACQUIRE INDIANA &
MICHIGAN ELECTRIC COMPANY ELECTRICAL
DISTRIBUTION SYSTEM IN AND ABOUT THE
CITY OF FORT WAYNE, INDIANA

The undersigned, resident taxpayers and electors of the City of Fort Wayne, Indiana, or persons residing within six (6) miles of the corporate limits of the City of Fort Wayne, Indiana, who are consumers of electrical energy therein, do hereby authorize the law firm of Burt, Blee, Hawk & Sutton, 13th Floor, Lincoln Bank Tower, Fort Wayne, Indiana, to represent us in an action for an injunction and/or declaratory judgment against the Mayor and Common Council of the City of Fort Wayne, Indiana, the Allen County Election Board, and the Clerk of the City of Fort Wayne, Indiana, in connection with the proposed Electric System Acquisition Study and voters' referendum in regard to the proposal of the Association For Municipal Power that the City of Fort Wayne, Indiana, "acquire, purchase and/or condemn the presently-operating electric utility system, in order to, in its place, establish, hold and operate a municipally-owned electric utility"; and we do hereby assure our cooperation to said attorneys in the prosecution of such action:

Resident Taxpayers
and Electors

Name Wm. J. Thues

Address 1140 W. T. Luce
1140 W. T. Luce

Phone Number 462-1272

Name Ronald E. Luce

Address 4401 Birchwood Dr
Fl. Wayne Ind. 46815

Phone Number 484-8072

Consumers of Electrical
Energy Residing Within Six
(6) Miles of City Limits

Name Owen Scofield

Address 5308 Lawford Ln.

Phone Number 485-5835

Name Paul R. Decker

Address 6303 Papago Court

Phone Number 486-2156

Don't ERW in 32.

Name _____

Address _____

Phone Number _____

Name _____

Address _____

Phone Number _____

Name _____

Address _____

Phone Number _____

Name _____

Address _____

Phone Number _____

Name _____

Address _____

Phone Number _____

Name _____

Address _____

Phone Number _____

Name _____

Address _____

Phone Number _____

Name _____

Address _____

Phone Number _____

Name Don Smith

Address 4521 Redstone Ct.

FT Wayne 46815

Phone Number 485-7820

Name PAUL WEITZMAN

Address 7218 Ridgekwall Rd.

FT Wayne, 46804

Phone Number 432-6800

Name Wallace C. Schiffel

Address 4553 W Shenandoah Circle

FT Wayne, Ind 46815

Phone Number _____

Name _____

Address _____

Phone Number _____

Name _____

Address _____

Phone Number _____

Name _____

Address _____

Phone Number _____

Name _____

Address _____

Phone Number _____

Name _____

Address _____

Phone Number _____

4
5 RESOLUTION NO. R-_____

6 A RESOLUTION SUBMITTING TO THE VOTERS
7 OF THE CITY OF FORT WAYNE, INDIANA,
8 THE QUESTION WHETHER SUCH MUNICIPALITY
9 SHALL PURCHASE, ACQUIRE, AND OPERATE THE
10 PRESENTLY OPERATING ELECTRIC UTILITY
11 IN ORDER IN ITS PLACE TO ESTABLISH,
12 HOLD AND OPERATE A MUNICIPALLY OWNED
ELECTRIC UTILITY AND PROVIDING THAT A
PORTION OF THE FUNDS NEEDED FOR SUCH
PURPOSES, NOT IN ANY EVENT AN AMOUNT
IN EXCESS OF ONE THIRD OF THE TOTAL COST
OF SUCH UTILITY, MAY BE RAISED BY THE
ISSUANCE AND SALE OF BONDS PLEDGING THE
GENERAL CREDIT OF SUCH MUNICIPALITY.

13 Whereas, five percent (5%) of more of the voters of the
14 City of Fort Wayne, Indiana, as shown by the total vote cast for
15 all candidates for municipal clerk at the preceding municipal
16 election therefor prior to the date of said petition have re-
17 quested in writing the Common Council of said City to acquire and
18 or purchase the presently operating electric utility system
19 operating within such municipality;

20 WHEREAS, I.C. 8-1-2-99 makes it the duty of such Common
21 Council to order an election thereon; and,

22 WHEREAS, I.C. 8-1-2-97 (c) requires that if the Common
23 Council shall be of the opinion that it is impracticable to
24 raise the entire funds necessary to purchase or otherwise ac-
25 quire such electric utility solely by the issuance and sale
26 of the revenue bonds, such Common Council shall by resolution
27 or ordinance, provide that a portion of the funds needed for
28 such purposes, not in any event an amount to exceed one third
29 (1/3) of the total cost of such utility may be raised by the
30 issuance and sale by such municipality of bonds pledging the
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32 WHEREAS, the Common Council is of the opinion that it would
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NOW THEREFORE BE IT RESOLVED by the Common Council of the
City of Fort Wayne, Indiana:

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a ~~general~~ ^{special} election to be held on May 6, 1980:

(1) "Shall the City of Fort Wayne, Indiana
acquire and/or purchase the presently
operating electric utility system within
such municipality?" ~~shall be~~ ^{included to}
~~establish a presently operating~~ ^{in order to establish}
Yes _____ No _____ "

(2) "May the City of Fort Wayne issue and sell
its general obligation bonds [with both
principal and interest payable out of taxes
to be thereafter levied by such City]
to pay up to one-third (1/3) of the total
cost of acquisition of such electric utility?"

Yes _____ No _____ "

~~delete per~~
SECTION 2. That the City Clerk of the City of Fort Wayne,
Indiana, is hereby ordered and directed to deliver a duly certi-
fied copy of this Resolution to the appropriate election authori-
ties for the purpose of placement of said questions on the
ballot at the election to be held in the City of Fort Wayne,
Indiana, on May 6, 1980.

~~Delete second question~~ ^{second question}
~~with all material questions to the question~~
D. Schmidt
Councilman
no III yes IIII motion lost

To use either acquire or purchase
D. Schmidt - Burns.

no IIII yes IIII motion lost.
use the petition
of the petition
D. Schmidt
Jim Turner

Approved as to form and legality
March 10, 1980.

John H. Logan
John H. Logan,
Attorney for Common Council.

1
2
3 BILL NO. R-80-03-13

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5 RESOLUTION NO. R-_____

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PORTION OF THE FUNDS NEEDED FOR SUCH
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8 (1) "Shall the City of Fort Wayne, Indiana
9 acquire and/or purchase the presently ^{in its place}
10 operating electric utility system within ~~such municipality?~~ ^{to establish}
~~hold and operate a municipally owned electric~~ ^{utility?}
11 Yes _____ No _____ "

12 (2) "May the City of Fort Wayne issue and sell
13 its general obligation bonds [with both
14 principal and interest payable out of taxes
15 to be thereafter levied by such City]
16 to pay up to one-third (1/3) of the total
17 cost of acquisition of such electric utility"
18 Yes _____ No _____ "

19 SECTION 2. That the City Clerk of the City of Fort Wayne,
20 Indiana, is hereby ordered and directed to deliver a duly certi-
21 fied copy of this Resolution to the appropriate election authori-
22 ties for the purpose of placement of said questions on the
23 ballot at the election to be held in the City of Fort Wayne,
24 Indiana, on May 6, 1980.

25 _____
26 Councilman

27
28
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30
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32 Approved as to form and legality
33 March 10, 1980.

34 John H. Logan
35 John H. Logan,
Attorney for Common Council.